Remarks

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 1 has been amended to clarify the invention, as supported for example in the paragraph bridging pages 16 and 17 and in the Examples (beginning at page 38) of the instant specification. No new matter has been added.

Applicants respectfully traverse the rejection of claims 1-5, 10 and 11 under 35 USC § 103(a) as unpatentable over JP 4-45811 in view of EP 466 381. The claimed invention is directed to a filter cartridge that is made from a long fiber nonwoven thermoplastic fabric. Neither of the cited references describe or suggest the claimed invention.

The Examiner notes correctly that JP 4-45811 fails to describe long thermoplastic fibers having fiber intersections that are at least partially adhered. EP 466 381 is relied upon to suggest the use of long thermoplastic fibers having fiber intersections that are at least partially adhered. However, EP 466 381 suggests the use of melt-blown fibers, which simply are not equivalent to the claimed long fibers. As previously discussed, the average length of melt-blown fibers is about 10 cm. These are not long fibers, and in particular are not the continuous fibers utilized in making fabrics using a spun bonding method.

The Examiner has asserted that the previously submitted Yamaguchi Declaration was insufficient in overcoming this rejection because the comparative example failed to include the structure allegedly suggested by the combination of cited references and because claim 1 failed to exclude the fiber structure suggested by EP 466 381.

However, the point of the Declaration was to demonstrate that melt blown fibers function differently from those employed in the instant invention. The Examiner is legally incorrect in asserting that Applicants must provide a showing for the structure allegedly suggested by the two references. Such a standard would make it impossible to demonstrate unexpected results, as once the combination is made the advantageous properties are inherent. In effect, the Examiner is attempting to improperly turn a rebuttable presumption of *prima facie* obviousness into an irrefutable one. See Ex parte Ohsaka, 2 USPQ 1460 (BPAI 1987). With respect to the second argument, claim 1 has been amended to require a spun bonding method, which effectively eliminates the EP '381 fibers.

The differences in fibers can be readily seen in Figures 15 and 16 of the instant specification. Figure 15 is a conceptual illustration of a spun bonded non-woven fabric while Figure 16 is a corresponding illustration of a short fiber non-woven fabric. Clearly, the spun bonded fabric is structurally different from the short fiber fabric. Thus, EP 466 381 fails to remedy the noted shortcomings of JP 4-45811 and the rejection should be withdrawn.

Applicants respectfully traverse the rejection of claims 7-9 under 35 USC § 103(a) as unpatentable over JP 4-45811 in view of EP 466 381, and further in view of JP 1-115423. JP 4-45811 and EP 466 381 are distinguished above as failing to describe or suggest a filter cartridge that is made from a long fiber nonwoven thermoplastic fabric. JP 1-115423 is relied upon to suggest pleating. Even if it does, which is not being conceded, this reference fails to remedy the noted shortcomings of the other references. Thus, the rejection should be withdrawn.

In view of the comments presented herein, favorable reconsideration in the form of a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: February 27, 2002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ogata et al.	Examiner:	M. Savage
Serial No.:	09/600,203	Group Art Unit:	1723
Filed:	August 9, 2000	Docket No.:	13409.1USWO
Title:	FILTER CARTRIDGE		

MARKED UP VERSION TO ILLUSTRATE CHANGES MADE

1. (Amended) A filter cartridge comprising a strip, long fiber non-woven fabric prepared using a spun bonding method, the fabric comprising [which comprises] a thermoplastic fiber [and] in which at least a part of fiber intersections is adhered, wherein the strip, long fiber non-woven fabric is wound around a perforated cylinder in a twill form.